

**REMARKS/ARGUMENTS**

In response to the Office Action dated January 26, 2005, claim 11 is amended, claims 1-10 and 16-23 are canceled, and claims 24-27 are added. No new matter has been added. Claims 11-15 and 24-27 are now active in this application with claims 1-10 and 16-23 being withdrawn from consideration as being directed to a non-elected invention.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

**I.** Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (AAPA) in view of Suzuki et al. (USPN 4,621,191).

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Yoshii et al. as applied to claim 11, and further in view of Kazama et al. (USPN 5,883,668).

Claim 13 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Yoshii et al. and Kazama et al. as applied to claim 12, and further in view of Kusaka et al. (USPN 5,589,909).

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA in view of Suzuki et al. as applied to claim 11, and further in view of Kusaka et al.

**II.** The rejections are respectfully traversed.

The Examiner asserts that it would have been obvious to one skilled in the art to combine an auto-focus detecting device of Suzuki with a conventional three-dimensional input apparatus that is described in the specification of the present application. The Examiner also asserts that Kazama et al. teaches an element capable of non-destructive read operation that corresponds to a recited element in dependent claims.

Suzuki et al. discloses a focus detecting device in which output timing of pulses (AS, Bs) for commanding start of reading of signals from a self-scanning type photoelectric element array varies depending on light intensity (the pulses are outputted on shorter periods with increasing the light intensity). Thus, Suzuki et al. merely discloses that the reading start timing varies in a time-series manner depending on time-series change of the light intensity.

However, contrary to what the Examiner asserts, Suzuki et al. fails to disclose or suggest a structure for “obtaining plural signals having different (electric charge) accumulation times to select a non-saturated signal appropriately from the plural signals” in order to acquire a certain answer. In other words, Suzuki et al. is silent with regard to the controller recited in claim 11. Thus, if the teaching of Suzuki et al. were combined with the AAPA, the resulting combination would differ in this point from the invention recited in independent claim 11. Accordingly, independent claim 11 is patentable over AAPA and Suzuki et al., considered alone or in combination.

At any rate, to emphasize that “plural outputs are obtained from the same element with accumulation time changed and selection is carried out from the plural outputs”, independent claim 11 is amended to recite, *inter alia*:

a controller for controlling the electric charge accumulation time of said plurality of light-receiving elements such that a plurality of types of outputs with different electric charge accumulation times are produced by each of said light-receiving elements, and selecting non-saturated signals among said plurality of types of output signals.

The allowance of amended independent claim 11, as well as of dependent claims 12-14, is respectfully solicited.

**Application No.: 09/405,848**

**NEW CLAIMS**

New claims 24-27 are added. Claims 24-27 are method claims corresponding to apparatus claims 11-14.

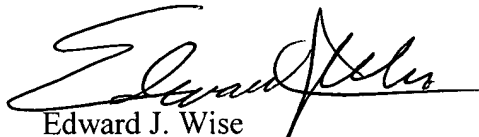
**CONCLUSION**

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Edward J. Wise  
Registration No. 34,523

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 EJW:cac  
Facsimile: 202.756.8087  
**Date: May 26, 2005**

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